

Specification

The cross-reference to prior applications has been updated and the abstract changed to include reference to antibody.

Sequence Rules

The Examiner has stated that the instant application is not fully in compliance with the sequence rules. However, the Examiner has not identified where this occurs in the application.

Claims Rejections

35 U.S.C. § 112

Claims 24, 26, 28-30, 32, 34 and 36 were rejected as failing to comply with the written description requirement. Adequate written description for antibodies that may bind flanking sequences of the polypeptide of SEQ ID NO:2 have not been provided.

Applicants respectfully disagree with this rejection as claims 24, 26, 28-30, 32, 34 and 36 are directed to an antibody that binds *selectively* to a polypeptide comprising SEQ ID NO: 2. An antibody that binds sequences flanking the polypeptide of SEQ ID NO: 2 would not be considered an antibody that binds *selectively* as such an antibody would bind to the flanking sequences regardless of the sequences they flank. Antibodies that bind selectively to a polypeptide comprising SEQ ID NO: 2 would only include antibodies that recognize epitopes contained in the sequence of SEQ ID NO:2. Therefore, applicants respectfully request withdrawal of this rejection.

Claims 24, 26, 28-30, 32, 34 and 36 were rejected as being enabling for an isolated antibody that selectively binds to a polypeptide consisting of SEQ ID NO: 2 but not to a polypeptide comprising SEQ ID NO:2 because the specification does not teach how to make or use antibodies that bind to sequences that may flank SEQ ID NO:2.

As stated supra, claims 24, 26, 28-30, 32, 34 and 36 are directed to an antibody that binds *selectively* to a polypeptide comprising SEQ ID NO: 2. An antibody that binds sequences flanking the polypeptide of SEQ ID NO: 2 would not be considered an antibody that binds *selectively* as such an antibody would bind to the flanking sequences regardless of the sequences they flank. Antibodies that bind selectively to a polypeptide comprising SEQ ID NO: 2 would only include antibodies that recognize epitopes contained in the sequence of SEQ ID NO:2. Therefore, applicants respectfully request withdrawal of this rejection.

35 U.S.C. § 102

Claims 3 and 24-36 were rejected 35 U.S.C. 102(e) as being anticipated by Rubenfield et al., who discloses antibodies which specifically bind to a polypeptide which shares an epitope with the instant SEQ ID NO: 2.

Applicants respectfully disagree with this rejection as the instant polypeptide of SEQ ID NO: 2 is not identical to the protein of Rubenfield et al. The instant claims are directed against antibodies that *selectively* bind to the instant SEQ ID NO: 2. An antibody that binds to both the polypeptide of Rubenfield et al. and to the instant SEQ ID NO: 2 would not be an antibody that selectively binds SEQ ID NO: 2. As the two sequences are not identical in both sequence and in length, an antibody that selectively binds the instant SEQ ID NO: 2 would not also bind the polypeptide of Rubenfield et al. Therefore, applicants respectfully request withdrawal of this rejection.

CONCLUSION

Claims 3 and 24-36 are pending. By way of the above amendments and arguments, Applicants have addressed all the objections and rejections raised by the Examiner.

Applicants believe that the present application is now in condition for allowance.

The Examiner is invited to contact the undersigned in order to advance prosecution.

Respectfully submitted,
CELERA GENOMICS

Date: May 22, 2006

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